



THE ASSAM GAZETTE

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
URBAN DEVELOPMENT (T) DEPARTMENT :: DISPUR

NOTIFICATION

The 18th July, 2018

No.UDD(T) 42-2008-Vol.2-157.- The following draft of certain rules which the Governor of Assam proposes to make in exercise of the powers conferred by sub- section(1) and clauses (xxii) and (xxiv) of sub- section (2) of section 301 of the Assam Municipal Act, 1956 (Assam Act No. 15 of 1957), along with section 73 of the Assam Town and Country Planning Act, 1959 (Assam Act No. 20 of 1960) (as amended) is hereby published as required under sub- section (4) of section 301 of the Assam Municipal Act, 1956 and under section (1) of section 73 of the Assam Town and Country Planning Act, 1959, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration on or after the expiry of the period of not less than 30 days from the date of publication of this notification in the Official Gazette.

Any objection or suggestion which may be received by the undersigned from any person with respect to the said draft rules before expiry of the period specified above shall be considered by the Governor of Assam.

Draft rule

Short Title, extent and commencement	1. (1) These rules may be called the Assam Notified Urban Areas (other than Guwahati) Building (Amendment) Rules, 2018.
	(2) They shall extend to the whole of the state of Assam, except the areas covered under clause (2) of Article 244 of the Constitution of India.
	(3) These rules shall be applicable to the municipalities under section 171 of the Municipal Act, 1956 (Assam Act No.15 of 1957). The Development Authority constituted under the provisions of the Assam Town and Country Planning Act, 1959, while taking any action under section 13 of the said Act, shall follow the provisions of these rules.
	(4) They shall come into force on the date of their publication in the Official Gazette.
Insertion of new Chapter VIII	In the principal Rules, after Chapter VII, a new Chapter VIII shall be inserted as follows, namely:-

“Chapter VIII”

(Special Provisions for Projects under Pradhan Mantri Awas Yojana (Urban) Projects in Urban areas of Assam (Other than Guwahati))

109. The project shall be eligible for additional benefits as prescribed in rule 110 below where at least 50 per cent areas of the total Floor Area Ratio (FAR) of a project is to be used for building units for Economically Weaker Section (EWS) and Lower Income Group (LIG) category with carpet area ranging from 21 sq.m to 60 sq.m. Such projects under Pradhan Mantri Awas Yojana shall hereinafter be termed as PMAY project.
110. (i) PMAY projects are exempted from the purview of sub-rule(1) of rule 43 of these rules to the extent that at least one room intended to be used as an inhabited room shall have a floor area of minimum 9 sq.m and all other habitable rooms shall be of at least 6.5 sq.m as per National Building Code;
- (ii) PMAY projects are exempted from the applicability of clause (ii), sub-rule (2) of rule 50 of these rules to the extent that the minimum size of the independent bathroom shall be 1.2 sq.m with a minimum width of 1m;
- (iii) In sub- rule(1) of rule 65, of these rules, it is provided that every Dwelling Unit of 60 sq.m built up area shall have a car parking and every unit below 60 sq.m but above 40 sq.m shall have a scooter parking. For the purpose of PMAY projects, it may be read as every unit with a carpet area of 60 sq.m or below shall have a minimum of one number of Scooter parking and every unit with a carpet area above 60 sq.m shall have a minimum of one number of car parking for the purpose of PMAY Projects;

(iv) PMAY projects shall mandatorily provide for Children Play Area, Common Recreation House/ Community Hall as specified in these rules and is not considered within FAR.

111. (i) The building plans pre-approved by the State Level Sanctioning and Monitoring Committee (SLSMC) of Pradhan Mantri Awas Yojana(Urban) are deemed to be approved by ULBs and/or Development Authority (DA) as the case may be, subject to fulfillment of setback norms as per existing rules. However, nothing shall be construed to authorise any person to do anything in contravention or against the terms of the lease or title of the land.

(ii) The ULBs of Assam are yet to have a functional online building permission application system. Until such a system is made available, the current manual application process of submitting hard copies to the ULBs/DAs shall be continued.

(iii) On submission of a Site Plan along with Pre-Approved Building plan to the Authority, permission shall be deemed approved instantly and the owner/ beneficiary can undertake the construction.

(iv) Urban Local Body(ULB) and/or the Development Authority as the case may be, shall forego the application and approval fee for pre-approval building plans of Beneficiary Led Construction(BLC) for beneficiaries under PMAY (Urban) Scheme.

(v) On completion, owner/ beneficiary shall submit an intimation to the Authority.

(vi) Construction not as per Instant Sanction or construction is done in deviation of the sanction or deemed approval, the proceedings under relevant section of the Acts for penal action shall be initiated against the owner/ beneficiary.

(vii) The floor plans of pre-approved building plans or a combination of pre-approved floor plans may be adopted for planning a project under Affordable Housing in Partnership (AHP) component under PMAY. However for such projects, clearance from local Authority shall be obtained for the Site Plan.

(viii) Deemed sanctions shall not apply to proposals falling within the Prohibited and Regulated areas as defined by Ancient Monuments and Archaeological Sites and Remains Act 2010, Works of Defence Act, 1903 Airport Authority of India Act 1994 Notified Water bodies and Hills and other prohibited and Regulated areas under the Assam Hill land and ecological sites (Protection and management) Act, 2006.”

AJAY TEWARI,

Principal Secretary to the Government of Assam,
Urban Development Department.